

REMARKS

Applicants respectfully request reconsideration of this application as amended. Claims 1-24 have been amended. No claims have been cancelled. Claims 25-28 have been added. Therefore, claims 1-28 now are presented for examination.

35 U.S.C. § 112 Rejection

Claims 5, 6, 13, 14, 21 and 22 stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 5, 6, 13, 14, 21 and 22 have been amended to more particularly point out and distinctly claim the subject matter Applicants regard as the invention. Accordingly, Applicants respectfully request the rejection of these claims be withdrawn.

35 U.S.C. § 102 Rejection

Claims 1-24 stand rejected under 35 U.S.C. §102(e) as being anticipated by Ogasawara, U.S. Patent No. 6,671,877 (“Ogasawara”).

Ogasawara discloses “a method is compiled by a JIT compiler if it is determined that it is executed more than a certain level in terms of *execution frequency or execution time*. Once generated, JITed codes are managed in memory. The time when a JAVA system assures that they can be safely discarded is when *the JAVA system discards a class by garbage collection*” (col. 1, lines 51-57). Ogasawara further discloses “if a memory request of a JIT compiler cannot be met in a certain thread, the thread temporarily stops all the threads other than itself and locates active methods. A method for *calculating an activity degree of a method* is used to decide *the activity degree of each*

method. Thereafter, based on such an activity degree, some or all of JITed codes of a non-active method are discarded” (col 4., lines 8-14). The activity degree of a method likely to be called early is raised according to how early it is called. Thus, as to an activity degree, the earlier re-execution time of a method is, the larger its value becomes. (col. 3, lines 63-67). Ogasawara further discloses “a JIT compiler discards JITed code whose activity degree is lower, restarts thread execution, and continues compilation” (col. 6, lines 65-67).

In contrast, claim 1, in pertinent part, recites determining whether the native code space exceeds a threshold in response to an invocation of a second method and reclaiming the native code associated with the first method and compiling byte code into native code associated with the second method in response to the determination. Ogasawara discloses calculating an activity degree of a method and using it to decide an activity degree of each method and based on such an activity degree methods are discarded, however Ogasawara does not teach or reasonably suggest determining whether the native code space exceeds a threshold in response to an invocation of a second method and reclaiming the native code. Instead, Ogasawara discloses calculating an activity degree of a method in order to determine when the method should be discarded. Accordingly, Applicants respectfully request, for at least the reasons set forth above, the rejection of claim 1 and its dependant claims be withdrawn.

With regard to independent claims 9 and 17, they contain limitations similar to those of claim 1. Accordingly, Applicants respectfully request the withdrawal of the rejection of claims 9 and 17 and their dependent claims.

New claim 25 contains limitations similar to those of claim 1. Accordingly, Applicants respectfully submit that claim 25 and its dependent claims are distinguished from the cited reference.

Conclusion

In light of the foregoing, reconsideration and allowance of the claims is hereby earnestly requested.

Invitation for a Telephone Interview

The Examiner is requested to call the undersigned at (303) 740-1980 if there remains any issue with allowance of the case.

Request for an Extension of Time

Applicants respectfully petition for an extension of time to respond to the outstanding Office Action pursuant to 37 C.F.R. § 1.136(a) should one be necessary. Please charge our Deposit Account No. 02-2666 to cover the necessary fee under 37 C.F.R. § 1.17(a) for such an extension.

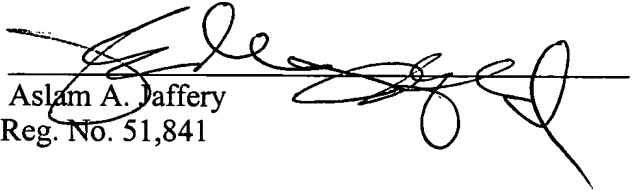
Charge our Deposit Account

Please charge any shortage to our Deposit Account No. 02-2666.

Respectfully submitted,

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